

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

GENA R. KILGORE-WILSON

Plaintiff,

vs.

HOME DEPOT U.S.A. and
ZEP, INC.

Defendants.

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Civil Action No. 2:11-cv-2601-JPM-cgc

JURY DEMANDED

**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION TO COMPEL**

CAME ON TO BE HEARD Plaintiff's Motion to Compel. The Plaintiff and counsel for the Defendants were in attendance. Both sides briefed the issues. After hearing oral argument from both Parties, and based upon the Parties' briefs, argument and the application of law, the Court hereby Orders and Adjudges that:

1. With the exception of the Plaintiff's requests regarding Interrogatory No. 3 and Interrogatory No. 6, the Plaintiff's Motion to Compel is denied.

2. With regard to the Plaintiff's requests regarding Interrogatory No. 3 and Interrogatory No. 6:

a. The Plaintiff shall identify specifically that portion of the audiovisual recording of the deposition of Stacy Carney, upon which she relies, supporting her contention that a store manager, other than Stacy Carney or Reco Watson, conducted an investigation and/or generated an investigative report.

b. Defendant Home Depot U.S.A., Inc. shall identify any manager, other than Stacy Carney or Reco Watson, working at the Home Depot location where the Plaintiff's injury occurred, that investigated the incident complained of by the Plaintiff.

c. If a store manager is so identified, and prepared a record of an investigation, the Defendant shall notify Plaintiff of the existence of such record and either provide the Plaintiff a copy of the report or, if a privilege is asserted, provide a Privilege Log in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

IT IS SO ORDERED this 20th day of April, 2012

s/ Charmiane G. Claxton
CHARMAINE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE